

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE LIBOR-BASED FINANCIAL INSTRUMENTS  
ANTITRUST LITIGATION

**ORDER**

11 MDL 2262 (NRB)

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

WHEREAS, Mr. David Klusendorf, who was previously represented by the Schlesinger Law Offices ("Schlesinger"), was a plaintiff in Amabile v. Bank of America Corp. ("Amabile"), No. 13 Civ. 1700 (NRB) (S.D.N.Y.), an individual action filed by plaintiffs who traded LIBOR-based products on the Chicago Mercantile Exchange, and who received a distribution of \$301,670.22 as a member of a settlement class in the Exchange-Based action, see ECF No. 4023, Exs. B, D; and

WHEREAS, Mr. Klusendorf was represented by Schlesinger in the Amabile action pursuant to a contingent fee agreement governed by Florida law and signed on March 6, 2013, see ECF No. 4023, Ex. C (the "Agreement"), and who "authorized and instructed Schlesinger to complete and submit his settlement claim," ECF No. 4030 at 1; and

WHEREAS, Mr. Klusendorf terminated his representation by Schlesinger on April 4, 2024 and objects to paying attorney's fees and costs to Schlesinger pursuant to the Agreement, see ECF No. 4029 ¶¶ 21, 23; and

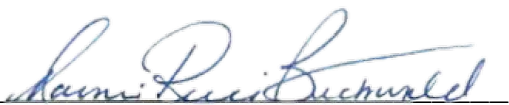
WHEREAS, on April 24, 2024, Mr. Klusendorf filed a motion requesting that this Court set the amount of fees due to Schlesinger arguing that Schlesinger is precluded from receiving any attorneys' fees from Mr. Klusendorf based on this Court's Memorandum and Order of November 24, 2020, In re LIBOR-Based Fin. Instruments Antitrust Litig., No. 11 Civ. 2613, 2020 WL 6891417 (S.D.N.Y. Nov. 24, 2020), and which Schlesinger opposes, see ECF Nos. 4022-4024, 4029-4030; and

WHEREAS, on June 20, 2024, this Court held a telephone conference with Mr. Klusendorf's counsel and the Schlesinger Firm to discuss the instant motion; and

WHEREAS, during the telephone conference, the Court informed counsel that reliance on this Court's November 24, 2020 Memorandum and Order was totally misplaced and given that Mr. Klusendorf does not assert any other basis to avoid paying the Schlesinger Firm attorney's fees pursuant to the Agreement; it is hereby

**ORDERED** that Mr. Klusendorf's motion is denied.

Dated: June 21, 2024  
New York, New York

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE